

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 3-30-73 by deft. Gulf Ins.

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

NELLIE MAE COLLINS

For plaintiff:

Jerry L. Smith & *Phil Ziegler*
 1406 Terrace Drive 927-2445
 Tulsa, Okla. 74104

v.

TALMAN FEDERAL SAVINGS AND LOAN
 ASSOCIATION OF CHICAGO, a Federal
 Savings and Loan Association,

*Depositions taken: 5501 S. KENTZIE AVE
 OKLAHOMA, OKLA. 74104*

Disclaimed - HOWARD COLLINS, LUCILLE V. MESSALL, *5/10/73*
 individually and as administratrix
 of the Estate of F. E. Messall, GULF
 INSURANCE GROUP OF DALLAS, TEXAS,
 UNIGARD INSURANCE GROUP OF SEATTLE,
 WASHINGTON, MERCANTILE NATIONAL BANK
 OF DALLAS, TEXAS and NATIONAL BANK OF
 COMMERCE OF DALLAS, TEXAS *Disclaimed*

Additional Parties Deft.

For defendant:

C.D. McDoulett, Jr. (Talman)
 2700 Fourth Natl Bnk Bldg., Tulsa
 74119
 (584-1472)

Alfred B. Knight, 310 Beacon Bldg.,
 Tulsa, Okla. 74103 (584-6457) (Gulf Ins.)

Hubert D. Johnson, 1900 Mercantile Dalla
 Bldg., Dallas Texas 75201 (Mercantile Bk)

David R. Snodgrass (Nat'l Bk of Commerce
 1000 LTV Tower, Dallas, Tex. 75201
 (214)748-7211

Richard D. Gibbon (Unigard Ins)
 Pythain Bldg., Tulsa (585-5537)

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed 11-1-72

Clerk

10/20 J. Smith
 10-26-72 C.D.No.19

15.00

15 00

J.S. 6 mailed 12-1-73

Marshal

Basis of Action: non-payment
 of savings account

Docket fee

Witness fees

Action arose at:

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-20-72	Complaint, filed.	
10-20-72	Application of pltf. to serve summons by certified mail, filed.rm	Order to J.
10-25-72	Order filed, that serv of summons by certified mail, return receipt requested, should be and hereby granted as provided by rules 4A, 4C and 4E of Fed. Rules of Civil Procedure, filed. (FD-J)r (Copy of order to Pltf atty.) (Summons mailed as directed)	Ret. receipt 10/27/72
10-25-72	Certificate of mailing summons, filed. r	
11-16-72	Motion for enlargement of period of time originally prescribed in which to answer filed by def. h	
11-16-72	Order granting motion for enlargement of period of time to Nov. 27, 1972 in which to answer filed. (JCS-h)h	
11-27-72	ANSWER & Counterclaim for interpleader, filed. r	Repleader 12/17
12-18-72	Appl. for enlargement of period of time originally prescribed in which to answer counterclaim for interpleader, filed by Pltf. v -copy of appl. and original order to Judge.	
12-18-72	Order granting appl for enlarge. of time in which to answer counterclaim from 12-18-72 to 12-26-72. Filed. (FD-J)r (Copies Mailed)	
12-26-72	Answer to counterclaim for interpleader, filed. ds	
1-16-73	Case set for P-T hearing at 11:30 a.m. 1-30-73 (FD-J)r	
1-16-73	First written interrogatories by def. to pltf., filed. rm	
1-16-73	Request for production of documents under Rule 34 by def. to pltf., filed.rm	
1-16-73	Def.'s first request for admissions, filed. rm	
1-30-73	<i>Partial.</i> Pre-trial held. Pltf rep by Phil Frazier; Deft rep by C.D. McDoulett, Jr. Statements made. Deft to file counterclaim (interpleader) Parties given 10 days to make decision re: jurisdiction. (FD-J)r	
2-7-73	Payment of Funds into Court and Request for Discharge by Deft., filed. v	
2-27-73	Order, filed, that the request of deft. Talman Fed. Savings & Loan to make Howard Collins, Lucille V. Messall, individually and as administratrix of the Estate of F. E. Messall, Gulf Insurance Group of Dallas, Texas, Unigard Insurance Group of Seattle, Washington, Mercantile National Bank of Dallas, Texas and National Bank of Commerce of Dallas, Texas, additional parties deft. is <u>granted</u> . Summons to be issued upon deft. Talman furnishing Clerk proper addresses. Request of deft. Talman that pltf. & additional parties deft. be enjoined from filing or prosecuting any other actions is <u>granted</u> & such injunction is issued; request of deft. Talman to be <u>discharged</u> as party deft. is <u>denied</u> . (FD-J)hm (copies mailed)	
3-6-73	Summons issued to addl. party defts. r -cont.-	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-26-73	Summons, ret. & filed: served Mercantile National Bank of Dallas, National Bank of Commerce of Dallas, Gulf Insurance Group, at Dallas, 3-12-73; Howard Collins, Tulsa, Ok. 3-14-73; Unigard Insurance Group Seattle, Wash., 3-20-73, and Lucille V. Messall, Tulsa, Ok. 3-21-73. (USM \$27.04)g	
3-30-73	Answer of Deft. GULF INS. GROUP OF DALLAS, TEXAS to third party Complaint, filed.	
3-30-73	Deft. Gulf Ins. Group of Dallas, Texas's Request for Jury Trial, filed. r	
4-2-73	Deft. NATIONAL BANK OF COMMERCE OF DALLAS's Motion to Dismiss Counterclaim for Interpleader for improper venue and ANSWER to Counterclaim for interpleader subject to Mot. to Dismiss. filed. r <i>copy to judge</i>	
4-2-73	Deft's Memorandum of N.B.C. of Dallas in support of Mot. to Dismiss for Improper Venue, filed. r <i>copy to judge</i>	
4-3-73	Disclaimer of Howard Collins, filed. rm ?	
4-2-73	Memorandum of National Bnk of Commerce of Dallas in support of motion to dismiss for improper venue filed. h	
4-2-73	Cpy of letter directing Def. and Counterclaimant Talman Fed. Savings, etc. to respond to Motion of Def. Natl Bnk of Commerce to dismiss, etc., within 15 days, filed. (FD-J)h	
4-9-73	Application of deft. Unigard Ins. Co. to extend time to file answer to complaint, filed. hm	
4-9-73	Order extending time to file answer to complaint to deft. Unigard Ins. Co. until 4-24-73, filed. (JCS-Clerk)hm (copies mailed by deft.)	
4-18-73	Reply Brief of deft., Talman Federal, filed, to deft. N.B.C. of Dallas Motion to Dismiss, filed. jj <i>mailed</i>	
4-30-73	ANSWER of deft. UNIGARD INS. CO. to 3rd-party complaint, filed. r	
5-7-73	Appl. for entry of Default Judgment, filed. v -order to Judge. <i>copy of appl. & judgment in file</i>	
5-10-73	Letter dated 4-2-73 from Hubert Johnson (for Mercantile Nat'l Bank) stating that they will not be filing the Motion to Dismiss, which was returned to them, nor any other motion or pleading in this case. filed. r ? (Copies mailed to all attys)	
5-10-73	Journal Entry of Judgment, filed & entered, granting Pltf's appl for entry of default judgment of Interpleader deft F. E. MESSALL (LUCILLE MESSALL) (FD-J)r	
5-11-73	Order filed, denying Deft. Nat'l Bank of Commerce's Motion to Dismiss for Improper venue, filed. (FD-J)r (Copies mailed)	
5-21-73	Pltf's Request for Admissions under Rule 36 to Unigard Ins. Co., filed.	
5-21-73	Pltf's Request for Admissions under Rule 36 to Gulf Ins. Group, filed. r	

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-24-73	Ordered by the Court that this case is set on the Pre-Trial Docket of June 13, 1973, at 10:00 A.M. (FD-J)v -notices mailed.	
5-29-73	Deft Unigard Ins. Co's Answers to Pltf's Req. for Admissions, filed. r	
6-1-73	Appl. for Continuance, filed by Pltf. v	
6-1-73	Affidavit in support of motion for continuance, filed. v -order to J.	
6-4-73	Order granting continuance of Pltf, of P-T hearing. Case to be set by Court at its convenience, filed. (FD-J)r (Copies mailed)	
6-4-73	Answers & Obj.s to Pltf's Req. for Admissions under Rule 36, filed. r	
6-25-73	Case set for Pre-Trials at 1:50 P.M. on 7-23-73 (FD-J)r	
6-29-73	Disclaimer of deft Mercantile National Bank of Dallas, filed. r	
7-11-73	Ltr from Mr. Snodgrass to F.D., regarding the necessity of client or atty appearing for the NBC of Dallas, at the P-T hearing of 7-23, filed. r	
7-11-73	Copy of ltr from J.D. to Mr. Snodgrass, stating that NBC of Dallas or its atty need not appear at the P-T hearing of 7-23-73, filed. r	
7-16-73	Amended Ans. of Deft. Gulf Ins. Group of Dls. to 3rd Pty Complaint, filed. jj Pltfs.	
7-18-73	Mtn. for Prod. of Documents under Rule 34, filed. jj made	
7-18-73	Brief in Support of Mtn. for Production of Documents, filed. jj made	
7-23-73	Partial Pre-Trial held. Pltf Rep by Jerry Smith; Defts rep by C. D. McDoulett, Jr., Alfred Knight, and James Poe. Statements made. Deft waives Jury request. Pltf to notify the Court, whether or not, they wish to request Jury. <u>Case set for further Pre-Trial hearing at a later date.</u> (FD-J)r	
7-26-73	Order, filed, striking Pltf.'s Mot. for Production of Documents Under Rule 34 and brief in support, as the same do not conform to Rule 34, FRCP. (FD-J)v -copies mailed.	
8-29-73	Case set for P-T hearing at 10:40 A.M. Oct. 2, 1973. (FD-J)r	
10-2-73	Pre-trial held. Pltf. rep. by Jerry Smith; def. Gulf rep. by Al Knight, def. Unigard by Dick Gibbon, & def. Talman by C. D. McDoulett. Def. Gulf withdraws req. for jury, all parties agree to non-jury. Pltf. given to 10/5/73 to advise Ct. & counsel by ltr. whether case can be settled or will go to trial. If they cannot settle, pltf. directed to prepare PT order. If cannot settle, defs. directed to file briefs by 10/15/73; pltf. 10 days thereafter to respond Case to be set on non-jury docket. (FD-J)rm	
11-28-73	Journal entry of judgment, filed and entered, that interpleaders Howard Collins & Mercantile be foreclosed & barred from any int.; ordered that pltf. have and recover sum of \$4,281.88, that Unigard have & recover sum of \$1125, and that interpleader Gulf Ins. recover sum of \$830 from def. Talman F&L Assn.; further that pltf. cause of action against def. Talman is dismissed w/prejudice, all parties to bear own costs & atty. fee. (FD-J)rm copies mailed (contd.)	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-26-73	Order, filed, directing Clerk to disburse sum of \$4281.88 to pltf. and her atty, per judg. of 11/28/73. (FD-J)rm <i>caption removed</i>	
12-31-73	Order, filed, directing Clerk to disburse \$830 to Gulf Ins. per judg. of 11/28/73. (FD-J)rm	
1-7-74	Order, filed, to pay money out of Court. Ordered that the Clerk is to disburse \$1,125.00, to Unigard Insur. Group of Seattle, Wash., & its atty., Richard D. Gibbon, as per judg. of 11-28-73. (FD-J)v -cps mld.	

DATE	PROCEEDINGS	Date Order or Judgment Noted